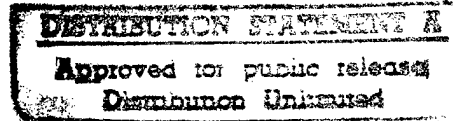


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Worldwide Report

LAW OF THE SEA

No. 217

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21 January 1983

WORLDWIDE REPORT

LAW OF THE SEA

No. 217

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LAW OF SEA CONFERENCE OPENS FINAL SESSION

Jamaican Prime Minister Comments

FL 061952 Bridgetown CANA in English 1854 GMT 6 Dec 82

[By Anthony Goodman]

[Text Montego Bay, Jamaica, Dec 6, CANA -- The U.N. Law of the Sea Conference opened its final session here today with a warning by Jamaican Prime Minister Edward Seaga against any attempts to conduct seabed mining outside an international convention to be opened for signature on Friday. "A small number of countries has raised the spectre of a mini-treaty as an alternative legal regime to the convention in respect of these provisions..." he stated. "But it cannot be possible that the proposed mini-treaty could occupy any legal status in that country that is contrary to the provision of the Law of the Sea Conference. "To the market and production risks inherent in seabed mining under any regime would consequently be added considerable legal, political and economic risks for seabed mining undertaken under the mini-treaty."

The prime minister did not mention any countries by name as contemplating the possibility of seabed mining outside the treaty, the result of nearly nine years of negotiations, but the delegates gathered in the ballroom of the Rose Hall Hotel, at this Jamaican resort, were aware he was alluding to the United States and some of its allies, including Britain and West Germany, who have said they will not sign the convention. They regard its mining provisions as deterring free enterprise and granting excessive privileges to an international seabed authority that is to license private consortia while also conducting mining operations of its own.

Prime Minister Seaga's words of caution were echoed, though less directly, by the president of the Law of the Sea Conference, Ambassador Tommy Koh of Singapore, who told the gathering: "Let no nation put asunder this landmark achievement of the international community."

The convention was adopted in New York last April 30 by a vote of 130 to four against with 17 abstentions. The United States was joined in opposing the accord by Israel, Turkey and Venezuela, which each has objections to different parts of the treaty.

The convention sets a 12-nautical-mile territorial sea and a 200-nautical-mile exclusive economic zone in which coastal states have control of all natural resources, including fish, oil and minerals.

There are provisions for peaceful navigation through these zones and for ships and aircraft passing through narrow straits.

The resources of the ocean-bed beyond national jurisdiction -- chiefly ore-bearing rocks containing nickel, copper, manganese and cobalt -- are declared to be the common heritage of all mankind. They are to be exploited through a so-called "parallel" system in which an international seabed authority will licence private companies and

consortia and also carry out mining through its own operations arm called the enterprise. [passage indistinct]

This will enable them to take part as non-voting observers in the work of a preparatory commission that is due to begin work in Kingston, Jamaica, next March on drafting a detailed mining code and arranging for the establishment there of the international seabed authority. All countries signing the convention will serve on the preparatory commission as full voting members.

Many delegations hope that the work of the commission will help dispel objections that now prevent some countries from becoming parties to the convention.

This view was expressed by the Canadian deputy prime minister and secretary of state for external affairs, Allan MacEachen, the first national delegate to address the conference today. Acknowledging that some governments had difficulties with the seabed mining provision of the accord, he said: "We hope that these problems can be resolved through the development by the preparatory commission of rules, regulations and procedures. "Canada looks to their satisfactory resolution. If the preparatory commission adopts a realistic and pragmatic attitude the future is assured. Mr MacEachen said if states were allowed to select arbitrarily those provisions they would recognize or deny, "we will see the end not only of our dream of a universal, comprehensive convention on the law of the sea, but perhaps the end of any prospect for global cooperation on issues that touch the lives of all mankind."

The United States is due to address the conference on Thursday. Its delegation is led by Ambassador Thomas Clingan, professor of maritime law at the University of Miami.

Ambassador Paul Enge of Cameroon, chairman of one of the main committees of the Law of the Sea Conference, said states could not pick and choose to be bound only by those aspects of the convention that were convenient to it. He also said the U.S. could not afford the discomforts of isolation, especially over a treaty whose negotiation accorded central priority to its declared vital interests.

Ambassador Ahmad Ismat 'Abd al-Majid of Egypt said all states had the full right to protect their national security. "Egypt's understanding of the principle of freedom of the sea and the principle of innocent passage and transit passage fall within the framework of this established general principle," he said.

Jorge Castaneda of Mexico said it would be contrary to the spirit of international cooperation if a limited number of industrialised states, standing apart from agreements reached at the conference, were to act through a "mini-convention" to recognise among themselves concessions they might unilaterally grant to their nationals for the exploitation of the deep seabed resources.

Alfonso Arias Schreiber of Peru said his government was studying the convention in a wide-ranging national debate. The Peruvian envoy, whose nation's constitution includes provision for territorial waters extending 200 miles, said Peru would not sign the convention here this week, but that did not prejudice its final position.

Speaking in his capacity as chairman of the so-called "Group of 77," comprising some 120 developing nations, Mr Arias Schreiber said any measures concerning the international seabed area that were incompatible with the convention would be "without international validity." Other states would then have to adopt measures to protect their interests, he said.

Law of Sea President Speech

FL062240 Bridgetown CANA in English 2224 GMT 6 Dec 82

[Text] Montego Bay, Jamaica, Dec 6, CANA -- The president of the third United Nations Conference on the Law of the Sea, Ambassador Tommy T.B. Koh, sees the latest session, which opened here today, as "the end of a long and arduous journey."

In his opening remarks to the conference, Ambassador Koh said: "When we set out on this journey to secure a new convention on the law of the sea, covering 25 subjects and issues, there were many who told us that our goal was too ambitious and not attainable. We have proven the skeptics wrong and we have succeeded in adopting a convention covering every aspect of the uses and resources of the sea."

The questions now to be answered, according to Ambassador Koh are: Whether the new convention is a significant improvement on the pre-existing law, and will it survive the test of time. He told the conference that "if we were to ask the gods on Mount Olympus to judge the result of our work, we should probably be informed that the new convention has many shortcomings and is far from ideal."

He noted, for example, that the creation of the exclusive economic zone and giving substantially the whole of the continental margin to coastal states, with revenue-sharing limited to the area beyond 200 miles, was not the most equitable way of redistributing the wealth and resources of the oceans among people.

"We will also be told that the convention contains ambiguities and even loop-holes," he said. "[We] readily agree that the new convention has many imperfections."

Ambassador Koh stated, however, that the convention was the best that could be achieved, given the existing realities in the world and the need to accommodate the competing interests of 160 states. He said: "We must not allow the best to become the enemy of the good. The undeniable fact is that the new convention constitutes a very significant improvement on the pre-existing law and that it had succeeded in promoting several important interests of the world community."

The convention president said he believed the conference has succeeded in that it brought together a critical mass of colleagues who were outstanding lawyers and negotiators. "We have succeeded because we did not regard our counterparts in the negotiations as the enemies to be conquered," he added. "We considered the issues under dispute as the common obstacles to be overcome. We worked not only to promote our individual national interests, but also in pursuit of our common dream of writing a constitution for the oceans."

His closing appeal was: "Let no man put asunder this landmark achievement of the international community."

CSO: 5400/2008

REPORTAGE ON UNITED NATIONS LAW OF SEA CONFERENCE

'NOTIMEX' Discusses Law

PA081937 Mexico City International Service in Spanish 0200 GMT 8 Dec 82

[NOTIMEX report]

[Text] The United States, the USSR, Japan, Poland, Argentina, Israel and seven other countries oppose the ratification of the Law of the Sea Convention upon which the Third World nations base their hopes of making profitable use of their marine property.

Several of these nations -- Japan, the United States and the USSR -- refuse to accept this law because they stand to lose ground in their exploitation of other nations' fishing resources. Spain, Argentina and Venezuela, which also oppose ratification of the agreement, don't want to sign it because of their border problems with other countries.

The Law of the Sea Convention was drafted during 10 years of arduous negotiations, in an effort to regulate the nations' behavior within the framework of a new legal system governing the use and exploitation of the sea and its resources. The document, which was approved in April last year by the third UN Law of the Sea Conference, involved all aspects of this issue, including the passage of ships and submarines; the exploitation of live resources, hydrocarbons and other minerals; marine pollution; and scientific research.

In addition, the document incorporates legal innovations in connection with the exclusive economic zone and the international regulations on sea beds located outside all nations' jurisdiction. These beds have been viewed as mankind's common heritage.

A few days ago, the ambassadors of more than 150 countries met in Montego Bay, Jamaica, to witness the formalization of the new international law of the sea.

Throughout the negotiations on establishing a new law of the sea, Mexico's participation has been relevant. In the first two law of the sea conferences in 1958 and 1970, the Mexican delegation led by Alfonso Garcia-Robles, ambassador emeritus and Nobel Peace Prize Winner, kept the United States from imposing the 6-mile territorial limit formula.

In those debates, Garcia Robles geared his diplomatic efforts toward gaining recognition for the 12-mile territorial waters concept that was proposed by the Third World countries. He also helped to establish an exclusive 200-mile fishing zone.

The ratification of the Law of the Sea Convention is vital for the Third World countries. However, Confemar [Law of the Sea Conference] now faces a harsher stand

from the United States, the United Kingdom and the FRG. These countries, outside the treaty's provisions, seek to nullify the original spirit of the Law of the Sea Convention by means of miniconventions,

For this reason, Ambassador Emeritus Jorge Castaneda exhorted the countries that are attending the final Confemar session to sign and ratify the agreement without delay, so that this historic international document can be implemented as rapidly as possible.

Australia Warns Against Violations

FL081121 Bridgetown CANA in English 1107 GMT 8 Dec 82

[Text] Montego Bay, Dec 8, CANA-REUTER -- Australia said yesterday it would sign the United Nations Law of the Sea Convention and warned that any radical departure from its provisions would lead to new uncertainties.

"Whatever may be the limitations of the present text, it provides the only secure and comprehensive basis on which the resources of the oceans can be exploited, ships and aircraft can enjoy rights of navigation and overflight, research can be pursued and the environment protected in a satisfactory way" Ambassador Keith Brennan said. He was speaking on the second day of the final session of the United Nations Law of the Sea Conference here. It is the result of nine years of negotiations.

Alluding to the opposition of some countries, especially the United States, to the treaty's rules governing seabed mining, he said: "If there is any radical departure by states from the provisions of this convention, the disorders of the sixties will return in aggravated form to plague us again."

Mr Brennan added: "It is beyond question that any attempt to exploit the resources of the sea bed beyond national jurisdiction outside the convention would give rise to the most serious political and legal consequences."

Under the treaty, the resources of the oceans beyond national jurisdiction are declared to be common heritage of mankind and may be exploited by private companies only under licence from an international seabed authority that will also conduct mining operations of its own.

Ambassador Brennan told the gathering representing more than 100 countries "it is with great satisfaction that I am able to inform this meeting that Australia will not only be signing the final act of the conference, but will also be signing the convention itself."

The final act is a non-binding summary of what the conference has achieved since opening in December 1973 and is expected to be signed even by countries that do not intend adhering now to the convention itself.

The Australian envoy said that, as an island continent, his country was heavily dependent on trade, had a vital interest in the resolution of the doubts and uncertainties that previously existed concerning ocean law and in the development of new concepts to restore order and rectify the shortcomings of the past.

He called the achievements of the Law of the Sea Conference "historic" and expressed regret that the principle of consensus, which operated over the years, broke down in the final (?session).

"It is our sincere hope that in due course consensus will be restored," he said. "It is our hope that ways can be found to make the convention acceptable to those countries which have particular problems. My delegation continues to believe that order will be achieved on the oceans only through the medium of a widely ratified comprehensive convention."

Ambassador Brennan concluded with an appeal to friendly governments, which he did not identify, not to embark on any exploration or exploitation activities outside the convention.

"I hope that before any decision in that sense is made, an assessment will be undertaken, at the highest national level, of the consequences of any such action.

"Mining the seabed outside the convention would be highly divisive and the country concerned would incur the hostility of the bulk of the world," he said.

Ecuador Will Not Sign

PA090314 Quito Voz de los Andes in Spanish 1130 GMT 8 Dec 82

[Text] Ecuador will not sign the UN Law of the Sea Convention at the world meeting currently being held in Jamaica, where Ecuador is represented by (Diego Paredes). The convention which was approved in April within the framework of the United Nations, reorganizes a 12-mile territorial sea and a 188-mile [as heard] exclusive economic zone for littoral countries, as well as a number of rights over seabeds.

Ecuador upholds the idea of a 200-mile territorial sea.

Foreign Minister Luis Valencia did not rule out the possibility that Ecuador will sign the document, which will be available for signing by all countries until 9 December 1984, that is, a period of 24 months.

Valencia stressed that Ecuador will watch the evolution of the law of the sea and particularly the work concerning seabeds.

The Law of the Sea Convention is supported by the Third World countries and opposed by big economic and fishing powers.

UK Still Seeking Changes

FL081940 Bridgetown CANA in English 1856 GMT 8 Dec 82

[Text] Montego Bay, Jamaica, Dec 8, CANA -- Britain told the United Nations Law of the Sea Conference today it would not sign a wide-ranging ocean law convention here later this week but would first seek changes in its controversial seabed mining provisions.

"The convention remains open for signature for two years and there is time for revision before the United Kingdom need take a final decision on signature," Ambassador John Powell-Jones said.

Speaking on the third day of the conference's final five-day session, due to end on Friday with a formal signing ceremony, he said much of the convention, negotiated over the past nine years, was acceptable.

"But the provisions relating to the deep seabed including the transfer of technology are unacceptable to my own government, and a number of other industrialized countries share our misgivings," he said, alluding the United States, West Germany, and several other nations.

"We need to obtain significant and satisfactory improvements in the text of these provisions and wish, in the months ahead, to explore with others the prospects for such improvements."

The British envoy's speech echoed a statement made in the House of Commons last Thursday when Malcolm Rifkind, parliamentary under secretary at the foreign and commonwealth office, outlined the British position regarding the convention, which regulates virtually all uses of the seas and their resources.

Mr Powell-Jones said the convention, expected to be signed on Friday by up to 80 countries, with others likely to follow later, "must not be used to divide states."

He indicated that efforts to obtain changes in the treaty would be made in a preparatory commission, tentatively scheduled to begin work in Kingston, Jamaica, next March.

The commission is charged with drafting a detailed mining code and establishing an international seabed authority to control all mining, both by private consortia and by the authority's own operating arm, called the enterprise.

Britain will be entitled to take part in the work of the commission as non-voting observer by virtue of signing the so-called final act of the conference on Friday. This is [a] non-binding record of the work of the conference since it began in December 1973. The United States and other countries that will not adhere to the convention are also expected to sign the final act.

Lack of a vote in the commission need not be a major handicap, observers said, since the commission is expected to work largely on the basis of consensus, like the Law of the Sea Conference itself.

The only major balloting during the nine years of the conference took place in New York last April 30 when the convention was adopted by 130 votes to four against, with 17 abstentions. The United States, Israel, Turkey and Venezuela cast the negative votes while Britain was among the abstainers.

The Soviet bloc also abstained at the time but the Soviet Union later said it would sign the convention.

In his speech, Mr Powell-Jones said: "We must try, starting with the preparatory commission, to build on what is generally agreed in the convention and seek cooperation between those who, today, have different perceptions of the convention and its various provisions."

"This session, when we sign the final act, is not the final conclusion...even though there may be deeply felt and divergent opinions it is our hope that the search for general agreement will continue."

Ambassador Powell-Jones said many of the convention's provisions were a restatement or codification of existing conventional and customary international law and state practice. This included articles concerning the right of innocent passage through the territorial sea defined under the convention as extending for a distance of 12 nautical miles without being subject to prior notification or authorisation by the coastal state.

The British envoy said other parts of the convention made more precise what was implicit or inherent in existing international law, while a third category of provisions broke new ground and sought to make new law.

The most obvious examples of the last, he said, were those that sought to give effect to the principle that the resources of the seabed beyond national jurisdiction were the common heritage of mankind.

Mr Powell-Jones said the legal position would be complicated if the convention entered into force without enjoying general acceptance.

But he stressed: "With regard to those provisions which express, codify or clarify existing law, the substantive norms which govern behaviour and define rights and duties will be the same for both parties and for non-parties even though the source of the norms, which is the basis of states obligations, may differ."

He added: "Until there is universality, we will need to seek accommodation between those who have adopted new conventional rules and those who act on the basis of existing law."

Observers said this appeared to conflict with [the] position of many supporters of the convention who argue that the treaty is an integral whole and that countries cannot pick and choose which of its provisions they will invoke.

The convention will not enter into force until a year after being ratified by 60 states -- a process expected to take several years.

Cyprus to Sign

FL082115 Bridgetown CANA in English 2022 GMT 8 Dec 82

[Text] Montego Bay, Dec 8, CANA -- Cyprus said today it would become a party to the United Nations Sea Law Convention when it is opened for signature here on Friday.

Addressing the final session of the nine-year-old U.N. Law of the Sea Conference, Ambassador Andreas Jacovides, leader of the Cyprus delegation called the treaty a "victory not of individual states or of any particular group of states, but for reason, the rule of law and mankind as a whole."

He said Cyprus, which extended its territorial waters to 12 miles in 1964, was particularly pleased that this had been entrenched in the convention as a generally applicable rule.

As an island state, Cyprus had strenuously argued against attempts to "discriminate against and diminish the position of islands by creating artificially novel distinctions based on legal untenable considerations such as size, population, geographical location, etcetera," Mr Jacovides added.

Cyprus was therefore fully satisfied with the way this issue had been dealt with in the convention.

"My delegation particularly welcomes the provisions on protection and preservation of the marine environment, as well as the general provision...for the protection and jurisdiction over archaeological and historical objects found at sea and, more specifically, within the contiguous zone," he added, referring to a 12-nautical mile strip beyond the 12-nautical mile territorial sea.

Turkey Against 12-Mile Limit

FL082125 Bridgetown CANA in English 2032 GMT 8 Dec 82

[Text] Montego Bay, Dec 8, CANA -- Turkey, one of only four countries to vote against a United Nations Sea Law Convention when it was adopted last April, today said it would sign neither the convention nor the final act of the conference that drafted it.

The final act is a non-binding document recording the work of the conference that even most countries that decline to adhere to the convention intend signing at a closing ceremony here on Friday.

Addressing the final session of the United Nations Law of the Sea Conference, Ambassador Coskun Kirca of Turkey also said the 12 nautical mile territorial sea limit laid down in the convention could not be claimed against Turkey.

Turkey's difficulties with the convention stem largely from dispute with Greece concerning the Aegean Sea, studded with Greek Islands that in places lie only a few miles from the Turkish coast.

Mr Kirca, who did not specifically refer to this in his speech, said: "Turkey, in the course of the preparatory stages of the conference as well as during the conference, has been a persistent objector to the 12-mile limit."

"As far as the semi-enclosed seas are concerned, the amendments submitted and the statements made by the Turkish delegations, manifest Turkey's consistent and unequivocal refusal to accept the 12-mile limit in such areas.

"In view of the above considerations, the 12-mile limit cannot be claimed vis-a-vis Turkey," he stated.

Explaining why his country would not sign the final act of the conference, Ambassador Kirca said the document contained a sentence stating that the conference took all its decisions by consensus.

This was misleading and presented Turkey with serious difficulties, he said. It was well known that Turkey expressly raised objections to a number of the convention's articles and submitted amendments, but never gave its consent to those provisions that did not accommodate Turkish views.

"Constantly, in view of the prejudicial working...Turkey regrets that it will not be able to sign the final act."

In addition to Turkey, the United States, Israel and Venezuela voted against the convention when it was adopted in New York last April 30 by 130 votes to four with 17 abstentions.

United States objections are based mainly on the conventions seabed mining provisions which it regards as prejudiced against private enterprise.

Soviet Minister Comments

FL082250 Bridgetown CANA in English 2225 GMT 8 Dec 82

[Text] Montego Bay, Jamaica, Dec 8, CANA -- Jamaica and the Soviet Union have pledged to expand bilateral trade further on a mutually profitable basis, an official release said here. This was one of the decisions coming out of a meeting here between deputy prime minister, Hugh Shearer and the Soviet Union's Minister of the Merchant Marine, Mr. Timofey Borisovich Guzhenko, who is heading Moscow's delegation to the law of the sea signing session.

The two leaders recalled a recently concluded bauxite agreement between Jamaica and the Soviet Union under which the Russians will buy one million tonnes of bauxite per year from Jamaica over a seven-year period. The meeting was one of a series held by Mr Shearer, who is his country's alternate delegation chairman, with representatives of other U.N. member countries attending the session in this north coast resort town.

In their discussions, the Soviet minister also indicated that his country, which had abstained in the vote on the convention in New York in April, intended to sign the document on Friday when it will be opened for signature.

Mr Shearer said he was pleased at the Soviet Union's decision and looked forward to that country being an active participant in the implementation of the convention as it had been in the nine years of negotiations leading to its formulation, the release said.

Mr. Guzhenko, who paid tribute to the efforts of the Jamaica delegation in the negotiations, assured Mr. Searer that the Soviet Union would be very active in implementing and upholding the provisions of the convention.

Mr Shearer also met with chairman of the Federal Council of Yugoslavia, Dr. Vratusa, who was that country's first non-resident ambassador to Jamaica while stationed in New York as permanent representative to the United Nations.

The two men discussed some of the issues expected to be on the agenda for the Sixth U.N. Conference on Trade and Development (UNCTAD VI) to be held in Belgrade, the Yugoslav capital, in June next year.

Dr Vratusa also brought Mr. Shearer up to date on developments at the institute for public and private enterprises in Yugoslavia of which Jamaica is a member. The institute assists in the training of managers for public and private sector businesses in developing countries.

More Countries Cite Support

FL082301 Bridgetown CANA in English 2233 GMT 8 Dec 82

[Text] Montego Bay, Jamaica, Dec 8, CANA -- Communist East Germany has joined other states in indicating that it will sign the Law of the Sea Convention on Friday, but took the opportunity to attack the United States and other industrialised nations who are opposed to the agreement in its present form.

Bernard Neugebauer said that East Germany was among those states whose deep-sea fisheries have had to shoulder considerable additional burdens since the introduction of economic zones.

He added that the effective exercise of its rights as a geographically disadvantaged state, as laid down in the convention, was therefore a matter of immediate economic importance to the GDR and [passage indistinct] other countries without regard for the interests of the developing countries and bent on profit-seeking and imperialist advantage, deny the convention their signatures."

"The German Democratic Republic will sign the final act of the convention and work to assure that the necessary prerequisites for the earliest possible entry into force of the convention will be created."

The United States and several other major industrialised countries, including West Germany and Britain, have said they will not sign the treaty, and the GDR's reference to "imperialism," is the communist bloc's way of indicating the U.S. without use of its name.

Japanese delegate, Toru Nawagawa, said the conference had made an historic achievement by setting up a new international legal order for the oceans.

He said that although some provisions might have been improved, "the convention represents the best possible compromise the conference could have achieved (and) will serve the long-term and comprehensive interests of the world community."

While the new Japanese cabinet was unable to complete the necessary review for signing the convention at this conference, [words indistinct] its basic position that "the convention as whole merits its support and signature."

Nakagawa said adoption of the convention marked the beginning of a new era of workings to consolidate the new stable legal order for the oceans, and Japan would do its utmost [words indistinct].

Kenya's Wafula Wabuge said the convention comprises a package from which no state could legitimately and unilaterally make exception, let alone a parallel regime.

He felt that it ushered in a new era in international [passage indistinct] of the progressive development of international law, is the part which lays down rules for

the sea beyond the limits of natural jurisdiction, particularly as regards exploitation of the resources of the international seabed for the benefit of all mankind."

Poland's Ryusard Pospieszyaski said his country will sign the convention, which will significantly contribute to the maintenance [word indistinct] and strengthening of international peace and as it is well balanced and takes into account the legitimate interests of all states.

Poland is of the opinion that the convention will remove causes of many international disputes and cover many legal loopholes.

Sri Lanka sees the new convention as a monument to human understanding, ingenuity and restraint.

Hiran W. Jayewardene said that if no state finds all its provisions entirely pleasing, it cannot be denied that it brings substantial benefits of some kind to all.

He said the convention has the highest potential of any instrument in history to serve as the foundation for the maintenance of peace, social justice and good order.

It will achieve a new distribution of the oceans' wealth -- "not as economic aid or charity, but as a matter of legal right."

Speaking for the United Arab Emirates, Minister of Education Sa'id Salman said the convention reflects the reality of the international situation in its balance of rights and interests.

The United Republic of Tanzania is concerned over the unfortunate exclusion of important ocean areas, such as Antarctica, and the area known as the high seas, in the common heritage concept, but said it will sign the convention since it cannot afford to choose what to take and what to reject.

Tanzania called on the United States of America, to whom it said all concessions have been made, to again reflect on its actions as a wrong decision could have grave consequences.

Massamba Sharre, of Senegal, said his country was ready to sign and has established a national committee on the law of the sea to harmonise its national legislation with the new treaty.

Pedro Corté da Silva Pinto, of Portugal, said his country would also sign and, while Sweden has certain misgivings, it too, will sign since its over-riding concern was to contribute to the creation of an international legal order for the sea.

Guyana To Sign

FL 090210 Kingston Domestic Service in English 0000 GMT 9 Dec 82

[Text] Jamaica's Caricom partner, Guyana, one of the countries which will be signing the Law of the Sea Convention, defended in [word indistinct] its duty in calling [words indistinct] to sign the convention.

Guyana's Foreign Minister Rashleigh Jackson outlined his government's position on the convention. He said it represents a watershed in international relations:

[Begin Jackson recording] The convention demonstrates what is possible through international negotiations when they are conducted in good faith and when there is a shared concern among the peoples of the world in recognition of their common

humanity and their desire to build appropriate regimes which can serve to fulfill their aspirations for justice and for equity.

It is now (?right), Mr President, to say that we live in an interdependent world. But just interdependence must not be an interdependence, I dare say, akin to the relationship between the master and the slave. Rather, I suggest that interdependence of which we all so (?easily) think must be one in which we are all ready to make adjustments in the pure knowledge that one person's gain is not necessarily another's loss. [end recording]

CSO: 5400/2008

FURTHER REPORTAGE ON LAW OF SEA CONFERENCE

UN Official Comments

FL071750 Bridgetown CANA in English 1705 GMT 7 Dec 82

[Text] Montego Bay, Jamaica, Dec. 7, CANA -- Between 60 and 80 countries are expected to sign the United Nations Law of the Sea Convention by Friday evening, secretariat officials said today. "Anything more than that would be a bonus," said Convention President Tommy Koh of Singapore, as the U.N. Law of the Sea Conference moved into its second day in this north coast Jamaican resort town.

Before coming to Montego Bay, the president and the collegium had set a modest target of 50 signatures, which is the agreed minimum to set up the preparatory commission.

Some delegations, in the course of their statements to the conference, have been giving clear indications that they will be signing. Speaking at a press conference here last night, Ambassador Koh said there was no procedure by which it could be ascertained before hand exactly which countries will sign.

Ambassador Koh said there were no surprises coming from any of the fourteen speakers yesterday, but "I thought a very remarkable harmony of views came out, given the considerable spectrum of the speakers as they came from Western Europe, Eastern Europe, Asia, Latin America and Africa. There were a few themes that struck me as important."

Ambassador Koh listed the first important theme as the unanimity among all the speakers in saying that the convention, in spite of its many imperfections "constituted a very monumental achievement for the international community.

"It will certainly promote the world community's interests in many fields. The peace and security in the conservation and utilisation of the living resources of the ocean: in promoting co-operation between states: in the protection of marine environment: in new and more suitable rules and marine scientific research, and most important of all, in translating a concept -- the human heritage common heritage concept into concrete, practical, workable institutions and arrangement."

The second theme detected by Ambassador Koh was that all the speakers were of the view that the convention constitutes "an integral whole which is indivisible and that it is not possible therefore for delegations to pick parts of the convention they like and to disregard parts they do not like."

He said that to do this would be completely inconsistent with:

- (1) The package deal approach which guided the conference throughout the nine years of negotiation;
- (2) The fact that it is a matter of law, it is an integrated convention;
- (3) Both in domestic and international law, rights and obligations go hand in hand and one could not really asserts rights without being willing at the same time to assume the correlative obligations.

"The final theme I caught, which was important, was that the preparatory commission, which will hopefully be triggered off with 50 signatories and will begin its work in March next year, is an important new phase of the work of the conference, that in adopting these detailed rules, regulations and procedures, some of the fears and anxieties, which some of our colleagues from industrialised countries still harbour, will disappear and, hence, there was an exhortation to ourselves that when we are working in a preparatory commission we should take a pragmatic, realistic and workman -- like approach to our work," Ambassador Koh said.

Japan Won't Sign Yet

FL071930 Bridgetown CANA in English 1820 GMT 7 Dec 82

[Excerpt] Montego Bay, Jamaica, Dec 7, CANA-REUTER -- Japan today praised the United Nations Law of the Sea Convention but said it would not be able to sign the treaty yet because its new government had not completed its review of the text.

Speaking at the final session of the United Nations Law of the Sea Conference, leading up to a formal signing ceremony here on Friday, Ambassador Toru Nakagawa said: "Due to the fact that a new cabinet was formed only recently in Japan, my government was unable to complete the necessary review for signing the convention at the present conference.

"I should, however, like to take this opportunity to affirm the basic position of my government that the convention as a whole merits its support and signature," he added.

In his speech, Ambassador Nakagawa said Japan viewed the convention, which regulates virtually all uses of the oceans, as serving the "long-term and comprehensive interests of the world community and the interests of Japan, a maritime state very much dependent on the use of the ocean."

India Announces Support

FL071945 Bridgetown CANA in English 1820 GMT 7 Dec 82

[Text] Montego Bay, Dec 7, CANA-REUTER -- India said today it would sign the United Nations Law of the Sea Convention here this week and appealed to the United States to follow suit as soon as possible.

"My delegation is...satisfied with the broad framework of the convention which we intend to sign here in Jamaica on December 10," Indian Minister of Law, Justice and Company Affairs, Jagannath Kaushal, told the U.N. Conference on the Law of the Sea, now holding its final session.

Noting that the convention, which regulates virtually all uses of the oceans, had received wide support, he said: "In this context, I would like to make a special appeal to the government of the United States to join the other members of the world

community of states in signing the convention as soon as it is possible for them to do so."

The United States is strongly opposed to the treaty's provisions governing seabed mining and was one of four countries to vote against it when the convention was adopted last April 30 by 130 to four against with 17 abstentions.

The minister noted that, under the convention, India had been accorded the status of a "pioneer investor" -- a country granted certain rights for having already invested considerable resources and technology in prospecting for seabed minerals.

"We have all the limitations of a developing country. Yet our achievements will not boost the morale and self-esteem of our own nation but will also make a contribution to the promotion of the interests of the developing countries," he said.

India had also obtained "useful and interesting data and samples from its intensive surveys in the Central Indian Basin of the Indian Ocean," Mr Jagannath Kaushal added.

New Support Voiced

FL080050 Bridgetown CANA in English 2212 GMT 7 Dec 82

[By Anthony Goodman]

[Excerpts] Montego Bay, Jamaica, Dec 7, CANA-REUTER -- The United Nations Law of the Sea Conference today heard new pledges of support for an ocean law convention to be opened for signature on Friday, together with appeals to the United States to drop its opposition to the treaty.

Without mentioning the United States by name, a number of speakers also warned against any attempts to exploit seabed minerals outside the provisions of the convention.

Representatives of India, Brazil, Australia, Fiji, East Germany and Kenya were among those who announced their intention to sign the accord on the closing day of the nine-year-long conference.

Ambassador Keith Brennan of Australia, after announcing his intention to sign the convention, asked to be allowed to "presume on traditional friendships" by urging governments contemplating seabed mining outside the accord to undertake an assessment at the highest national level before making any such decision.

Suriname Joins Supporters

FL080105 Bridgetown CANA in English 2349 GMT 7 Dec 82

[Excerpts] Kingston, Jamaica, Dec 7, CANA -- Seven more countries have joined the growing list of those which have said they will sign the Law of the Sea Convention, despite the opposition of the major industrialised countries led by the United States.

With the increasing support of countries such as India, Brazil, Suriname, Australia, Finland, Fiji and Kenya, it seems that there will not be any problems in getting the preparatory commission in motion next March.

Suriname's Lucien J.L. Henar, cautioned the key pioneer mining nations against setting up an alternative mining regime outside the convention, thereby dividing the richest ocean areas among a handful of states.

"In order to be taken seriously in future global negotiations, the major industrialised states cannot just pick up their marbles and walk away, just because they did not get everything they might have wanted," he said.

Osmo Lares of Finland, said the new convention may well become one of the most significant legal instruments of this century and, the deep-sea regime created by the convention represents the best possible balance that could be achieved.

Giving Fiji's support, Satya N. Nandan, noted that a result of the convention, "countries which were once separated by large expanses of seas, have suddenly become close neighbours, often with overlapping jurisdictions."

It was ironical, he noted, that one delegation which has decided not to support the convention made many constructive contributions to the conference. Fiji, he said, hopes that the position of that country is a "temporary aberration" from its traditional support for international law.

Keith G. Brennan, of Australia, said while his country will sign, it would have liked to see some of the seabed provisions written differently, and hoped that ways could be found to make the convention acceptable to countries with particular problems.

"If there is any radical departure by states from the provisions of this convention, the disorders of the 60's will return in aggravated form to plague us again," he said.

Grenada To Sign

FL062330 St Georges Domestic Service in English 2300 GMT 6 Dec 82

[Text] The people's revolutionary government has announced that it will sign the Law of the Sea Convention. The signing of this document will take place in Montego Bay, Jamaica on Friday. Foreign Minister Unison Whiteman will sign on behalf of Grenada. Grenada's delegation at the UN Conference on the Law of the Sea, which opened today, is led by Foreign Minister Unison Whiteman and includes Comrade Jimmy Emmanuel, high commissioner to the Eastern Caribbean and Guyana.

The session is expected to hear statements from several delegations. Minister Whiteman will deliver Grenada's statement.

CSO: 5400/2008

LAW OF SEA CONVENTION SIGNED BY 119 DELEGATIONS

FL102240 Kingston Domestic Service in English 2200 GMT 10 Dec 82

[Text] The historic Law of the Sea Conference has just ended in Montego Bay with 119 delegations signing the convention. At the closing ceremony, UN Secretary General Javier Perez de Cuellar announced that the preparatory commission to carry out the important preliminary work under the convention would meet in Jamaica next March.

The president of the Law of the Sea Conference, Tommy T.B. Koh, who was the first and last speaker, spelled out the work of the preparatory commission and described the meeting in Montego Bay and the achievements.

[Begin Koh recording] The International Seabed Authority and the International Tribunal for the Law of the Sea will begin its work in March of next year. Many speakers have attached importance to the work of the commission. The commission will have to adopt the rules and procedures for the implementation of resolution No 2 of the conference relating to pioneer (?investors).

It will, inter alia, draft the detailed rules, regulations and procedures for the mining of the deep seabed. If the commission carries out its work in an efficient, objective and businesslike manner, we will have a viable system for the mining of the deep seabed. This will induce those who are standing on the sidelines to come in and support the convention.

If, on the other hand, the preparatory commission does not carry out its tasks in an efficient, objective, and practical manner, then all our efforts in the last 14 years will have been in vain.

In carrying out its work, the commission should take strict regard to economy, to the avoidance of waste and to efficiency.

In order to enable the commission to get off to an early start, I will request the secretary general and his staff to assist the commission by undertaking the necessary preparatory work.

Dear colleagues: Today is a day for celebration. We celebrate the successful conclusion of our collective endeavor. We have strengthened the United Nations by proving that with political will, nations can use the organization as a center to harmonize their actions. We have shown that with good leadership and management the United Nations can be an efficient negotiating forum on even the most complex of issues.

We celebrate today the victory of the rule of law and principle of the peaceful settlement of disputes. Finally, we celebrate human solidarity and the reality of interdependence between nations which is symbolized by the United Nations Convention on the Law of the Sea. [applause]

Dear colleagues: As a matter of human interest, it may be relevant for me to mention that there are among us today a few colleagues who have attended the first and the second UN Conferences on the Law of the Sea in 1958 and in 1960. They have requested me to announce that immediately following the close of this meeting, they would like to gather foreign group photographs for sentimental reasons. [laughter]

I have also (?met) a few colleagues from landlocked countries who have, prior to their coming to Montego Bay, never swam in the sea. [laughter]

I hope that after their stay in Montego Bay, and I hope they have acquired an appetite for seafood, they will make full use of the provisions of the convention, giving access to landlocked countries to the living resources of the economic (?resources) of their neighboring states. [laughter]

I would like to also mention as a matter of human interest, that we have another colleague among us, Minister Guzhenko of the Soviet Union, who has actually led a scientific expedition to the North Pole. And he told me that he had actually set foot on the North Pole. [applause]

Dear colleagues: I cannot conclude without expressing once again, on behalf of the entire conference, our gratitude to the government and the people of Jamaica for the warm hospitality which they have extended to us during our memorable stay in Montego Bay. I am sure that I speak for all my colleagues when I say that we look forward with great relish and expectation to returning to Jamaica in March of next year to begin a new phase of our work.

I now declare the Third UN Conference on the Law of the Sea closed. [applause]

CSO: 5400/2008

WORLDWIDE AFFAIRS

U.S. MAY BE EXCLUDED FROM FUTURE SEA LAW MEETINGS

FL110200 Kingston Domestic Service in English 0000 GMT 11 Dec 82

[Excerpt] The UN Law of the Sea Conference ended this afternoon in Montego Bay with the three speakers at the closing ceremony being Jamaica's Deputy Prime Minister Hugh Shearer, UN Secretary General Javier Perez de Cuellar and the President of the Law of the Sea Conference, Tommy Koh, commenting on the significance of the signing of the historic convention.

President Tommy Koh recommended that the United States of America be excluded from all future meetings of the pioneer states.

(Bobby Gray) reports from the conference center.

[Begin (Gray) relay] The chairman of the drafting committee, Mr Alan Beasley of Canada, said that there would be a meeting of the pioneer states tomorrow. At this meeting a decision on the president's recommendation would be made. The pioneer states are Belgium, Canada, France, Japan, India, the United Kingdom, the U.S.A., the USSR and West Germany.

Ambassador Koh, speaking at a press conference after the closing session, said:
[Begin Koh recording] The United States, unlike the United Kingdom and the FRG, has taken a definitive position, which is that it is against this convention, it will not sign the convention, it will not even participate in the work of the preparatory commission. The United States has taken the position that it intends to encourage its [word indistinct] to mine the seabed [words indistinct]. It seems to me that it would be therefore wrong to allow the United States, which is out to wreck the convention, to continue to participate in these [words indistinct]. Because if you allow them to do so, you are in effect helping the United States to succeed in mining the seabed outside the convention. [Words indistinct] so I want to make the point that, in my view, the convener of these consultations in the future not invite the United States to participate in such consultations. [end recording] [end relay]

CSO: 5400/2008

INDONESIA

INDONESIA NOT OPPOSED TO USE OF STRAITS

Kuala Lumpur ASIAN DEFENCE JOURNAL in English Dec 82 p 11

[Text] Indonesian authorities are not opposed to foreign submarines passing through the country's waterways, as this would not pose an immediate danger to security, according to well-informed sources in Jakarta.

An Indonesian official told a foreign newsman that it has been well known for some time that Soviet, U.S. and other countries' submarines have been using the 1,500 metre-long Lombok Strait, but this does not constitute a threat to Indonesia.

The official noted that it would be difficult for submarines to ply through the Straits of Malacca which is only 50 metres deep, linking the Indian Ocean and the Java Sea; it is too shallow and so is the Sunda Strait, which is also troubled by turbulent undersea currents.

But the Lombok Strait has a deep fault between the islands of Bali and Lombok, about 806 miles east of Jakarta and provides an easy passage for the submarines. Shipping and the passage of submarine can be controlled with monitoring equipment to detect vessels, their tonnage and power system.

According to sources, during a war situation, the straits can be turned into vital defence points by planting deep-water explosives, without incurring heavy costs. Also during a conflict the Malacca, Lombok and Sunda Straits will become vital strategic points, as they are important maritime routes for oil tankers and merchant ships sailing between the Indian Ocean and Pacific Ocean.

The interest of several foreign powers in the straits has been known to Indonesia. Soviet interest was highlighted in February this year, when one of its diplomats and the Aeroflot manager in Jakarta were expelled for an espionage affair in which an Indonesian marine officer was found to have supplied the Soviets with sea-charts and military documents pertaining to the sea routes.

CSO: 5200/4310

INDIA TO GATHER SEABED MAGNETIC DATA

Bombay THE TIMES OF INDIA in English 23 Nov 82 p 4

[Text]

BOMBAY, November 22.

MAGNETIC field measurements of the deep oceanbeds, which is now the monopoly of the US, the USSR and Canada, will be taken up by India and a working group of scientists set up soon to draw up the project proposal.

The Indian Institute of Geomagnetism (IIG), Bombay, The National Institute of Oceanography, Goa, and a few other organisations will be represented in the working group.

This decision was taken at a workshop on "Equatorial Electro-jet" organised by the IIG, Bombay, today, following a talk on "Oceanic magnetic field measurements and their significance", delivered by Dr. B. P. Singh of the IIG.

Dr. S. Z. Qasim, secretary to the department of ocean development, who inaugurated the workshop, evinced keen interest in the subject and offered his department's support for such a research project.

The Scripps Institute of Oceanography, U.S. has placed special magnetometers on the ocean-beds for mea-

suring all the three components of the magnetic field and the equipment is retrieved by triggering a signal from the surface.

The measurement of oceanic magnetic field is significant for assessing the mineral deposits of the seabeds. India, with its existing facilities, can probe hardly 20 km. below the seabed as only superficial magnetic fields are being measured by ordinary magnetometers.

If the special magnetometers are fabricated indigenously, it will help in the study of areas 200 km. below the oceanbed.

According to scientists, fabrication

of suitable equipment was not a difficult task as the technology was not very complicated, but what was lacking was a policy decision to undertake such a project.

Prof. R. G. Rastogi, director of the IIG, said that the institute was willing to offer its expertise in establishing magnetic observatories to developing countries around India.

Similar help has already been rendered to Mauritius, Burma, South Korea and Maldives may also seek the IIG's assistance, he said.

Mr. V. Sudhakar, programme manager of Rohini sounding rockets at the Vikram Sarabhai Space Centre, spoke on the sounding rocket facilities available at Thumba, Sriharikota and Balasore.

Dr. G. K. Rangarajan of the IIG said that equatorial electro-jets were a naturally occurring electrical field in the ionosphere during daytime and their relation to the sun and magnetic fields was a subject of current interest.

POACHING IN WEST AFRICAN WATERS REPORTED

London WEST AFRICA in English 13 Dec 82 pp 3205-06

[Article by Howard Schissel]

[Text]

AFRICAN NATIONS along the Atlantic seaboard, from Morocco to Namibia, are deprived of many millions of dollars a year in potential hard currency earnings by the poaching activities of ultra-modern fleets of fishing vessels from both western (and Asian) industrialised countries and members of the Soviet bloc.

Faced with this organised pillage of their maritime resources, African countries have until now been virtually powerless to protect their own economic interests for a variety of reasons. In the first place, few African states can afford to set up a viable coast-guard system with air coverage. Secondly, legislation has been remarkably lax, with fishing companies willing to pay relatively small fines if they are caught because the potential for profit is immense. Thirdly, the indigenous fishing industry has mainly remained at the artisan level, with local fishermen mostly using motorised pirogues.

At a time when attention has been focused on undersea mineral wealth through the Law of the Sea negotiations, the stakes are equally as high for fishing. Not only could fishing become a major money spinner for African states, but it is also a precious, low-cost source of protein for their expanding populations. What is more, if properly husbanded, fish become a renewable resource, unlike oil or minerals.

A recent Food and Agricultural Organisation (FAO) report revealed the extent of the rape of Africa's fishing potential. In 1977, for example, 65 per cent of the catch in waters between Morocco and Zaire was taken by non-African vessels. The champions of this pillage were the Soviet Union, Poland and other Eastern European states

with 38 per cent, followed by Greece, Japan and France. Along the seaboard between Angola and Namibia, the percentage of the catch taken by Soviet bloc fishing fleets rose to 46 per cent.

A wind of change is now, apparently blowing along Africa's Atlantic coastline, as governments try to extend their authority and control over offshore resources. Of the 23 states bordering the Atlantic, 17 have already taken measures to extend their administrative sovereignty over an area reaching 200 nautical miles from the shore. Guinea-Conakry, Sierra Leone, Liberia, Benin and Congo have extended their territorial waters to the 200-mile limit. Mauritania, Cape Verde, Guinea-Bissau, the Ivory Coast, Togo, Nigeria, São Tome and Principe and Angola are seeking to enforce the legal framework for a 200-mile Exclusive Economic Zone (EEZ). Senegal and The Gambia are seeking to enforce a special 200-mile special fishing limit.

In principle, around 90 per cent of Africa's fishing potential along the Atlantic seaboard is under the control of African governments. In reality, however, the situation has hardly changed. Most governments have now come to realise that without a potential to bite, their new legislative framework for the fishing industry is just a harmless bark. While reinforcing their naval capacity, African states have also sought to extend regional co-operation with the help of the FAO. In 1979, a \$35m. programme was initiated, followed in 1980 by a second regional co-operation scheme.

The fishing grounds off the Western Sahara and Mauritanian coasts are among the richest and best-preserved in the world.

Naturally, these substantial Saharan fisheries resources were of great interest to Morocco when it seized control of the former Spanish colony in 1975. Since then King Hassan's regime has been seeking to trade fishing rights in Saharan waters for political recognition of its occupation of Saharan territory. Ambiguously worded agreements in this sense have been signed with Spain, and even the Soviet Union.

It is estimated that some 1.5m. tonnes a year of high value fish species are netted along the Saharan coasts, of which 225,000 tonnes are taken by boats from the Canary Islands and probably more by the Japanese. The Polisario Liberation Front, fighting for the independence of the Western Sahara, has denounced the violation of its territorial waters and launched guerrilla attacks against fishing vessels, capturing several trawlers from Spain, Portugal and Holland. Attacks in pneumatic launches may have discouraged a few boats, but generally offshore fishing in the area goes on virtually as in the past. It is only when an internationally-recognised government is in power in El Aaioun that efficient control of Saharan fishing wealth can be established.

The Banque Centrale de Mauritanie (BCM) believes that catches in Mauritanian territorial waters surpass \$1,000m. a year, of which the state exchequer receives a mere \$25-\$35m. in royalties, taxes and other payments. The British Whitefish Authority drew up a plan on how Mauritania could best achieve mastery over its fishing industry and major changes have been introduced into fishing legislation. Thus, the government abandoned its previous licencing system in 1980 and introduced a new framework which obliges interested countries to set up joint-venture fishing firms with either public or private Mauritanian interests. Moreover, to raise state revenues, fishing fees were increased considerably earlier in the year.

Again, it is difficult for Mauritanian authorities to exercise sufficient control. Ship captains are supposed to report their catches at the port of Nouadhibou as the basis for determining fees to be paid the government. In 1981, only 125,000 tonnes were officially declared, while the actual catch is estimated to have been nearer 1m. tonnes. To make things worse, foreign vessels use highly destructive fishing techniques: deep-sea nets literally scrape the ocean floor bare, destroying breeding areas, and cargoes of fish already caught are jettisoned if schools of attractive tuna, for example, are spotted on sonar screens.

The fishing sector has also been one of lucrative speculation for Mauritanian businessmen, often with the help of state functionaries. Prime Minister Maaouya Ould Taya recently called for an end to the "anarchic policies in the fishing sector which have led to the flourishing of fictitious companies and all kinds of irregularities." For example, last winter the Dutch-owned (but Panama-registered) company, Inter-Pêche, suddenly pulled out of the port of Nouadhibou when its South African connections became too evident. Unscrupulous Mauritanian businessmen also manage to make "special arrangements" with Canary Island fishing circles, becoming front men for illicit fishing ventures.

Following the creation in 1980 of a state secretariat for fishing and the introduction of tougher licencing arrangements, Senegal's catch has declined. Industrial fishing in 1981 dropped to 80,000 tonnes, less than half the previous year's catch. In total, 1981 fishing results were disappointing, with 229,000 tonnes being netted, the lowest figure since 1973. Fish export earnings last year were CFA37.5 (about \$106m.). This is only a fraction of the potential, because Senegalese waters are subject to the same poaching practices as its northern neighbours.

Senegal has drawn up a long-term plan of action to develop its fishing wealth. The French consultant firm, SCET International, in association with the Dakar Oceanic Research Centre, have suggested increasing privatisation of the sector. The state-owned fishing company, SASAP, collapsed in 1976 because of financial mismanagement. Over \$150m. is to be spent during the next ten years to upgrade the capacity of the Senegalese fishing fleet, and a new maritime bank is in the pipeline to encourage Senegalese nationals.

For the parlous Guinea-Bissau economy, offshore fishing could become the top export earner, but the government will be obliged to exercise stricter control over foreign boats. A fishing agreement was signed with the Soviet Union soon after independence in 1974 providing for the establishment of a joint venture, Estrela do Mar, with Russian assistance, in return for which the USSR was granted the right to have 20 trawlers in the country's maritime zone. Soviet overfishing, especially of lucrative shrimp, became legendary, even being subtly denounced in the local paper, *No Pintcha*. The Soviet-Guinean accord had to be renegotiated twice and new fishing partners brought in to put the Soviets in their place.

The breaking of the Soviet fishing monopoly by the creation of an Algerian-Guinean company, Guialp, and particularly the Franco-Guinean concern, Semapesca, has triggered off unexpected consequences. Last April a French fishing boat, the *Captain Cook*, was held for over a month in Bissau, accused of illegal fishing. French diplomats suspect that this incident was provoked by Soviet influence within the administration. The potential catch in Guinea-Bissau waters has been estimated at between 70,000 and 100,000 tonnes. The Common Market signed a fishing agreement in 1980 with Guinean authorities, and is providing technical assistance for the local industry.

Of the total local 1980 catch of 154,000 tonnes, Sierra Leonean boats accounted for only a third. The non-declared catch could also be as high, although exact figures are not available. Lack of expertise in fisheries resource management and inability to enforce fishing regulations bedevil the Sierra Leonean industry. Nonetheless, output has doubled since 1977.

There are about a dozen fishing companies operating out of Sierra Leonean ports. However, indigenous companies are still no match for the giant fishing-processing boats which ply Sierra Leonean waters. Poaching reportedly even goes on close to the coast, severely hampering the activities of small fishermen utilising traditional methods.

Further along the West African coast towards Cameroon the situation remains basically the same: untapped potential and wanton exploitation of African natural resources. One international fishing expert said: "If West African nations were able fully to benefit from their fishing potential, then they would be much less dependent on foreign aid largesse, a situation which certain interests would not like to see come into being."

CSO: 5200/12

COMMENT ON SIGNATURE OF LAW OF THE SEA CONVENTION

Djibouti LA NATION DE DJIBOUTI in French 16 Dec 82 pp 9, 12

[Article: "Despite Opposition From the United States, Law of the Sea Convention Signed"]

[Text] As land-based resources of energy and minerals diminish, the people of our planet hope to find new resources at sea, that is, in the sea itself and on the ocean floor which occupies more than 70 percent of the surface of the globe. The Republic of Djibouti is one of many countries which consider the sea as part of the common patrimony of humanity, beyond 200 nautical miles from shore which constitutes an exclusive economic zone for each country. Out of the 160 participants in the Montego Bay Conference (in Jamaica) almost all of them signed the convention on the Law of the Sea.

The convention on the Law of the Sea, the official name of the draft treaty under discussion for the past 10 years, in the framework of one of the longest international negotiations in contemporary history, was opened for signature from 6 to 10 December 1982 in Montego Bay (Jamaica). The draft will enter into effect 1 year after its ratification by 60 countries, or in a period of time estimated at from 3 to 5 years.

The draft convention was approved at the expert level on 30 April 1982 by 130 countries, including almost all of the 120 countries of the Third World, and France and Japan, among the industrialized countries. On the other hand, 17 countries abstained, including those of Eastern and Western Europe plus the Soviet Union. The United States, Turkey, Israel, and--most astonishingly--Venezuela voted against the draft. Venezuela, which had hosted the first session of the conference on the Law of the Sea and played a major role in the course of the negotiations, like most of the Latin-American countries, feared approving the draft convention would weaken its position with regard to its neighbor, Colombia, because the convention included a system of defining maritime boundaries which was considered damaging to Venezuelan interests.

The same four countries refused to approve the final conclusions of the interim session of the conference of last September, which was held in New York. On this occasion the Soviet Union--up to then a supporter of abstention--announced that it would support the draft because it "could constitute an essential contribution to the strengthening of relations between states."

At the same time the Soviet Union appealed to all participants in the conference to sign the treaty so that it might enter into effect as soon as possible.

On the contrary the American Department of State, during this period between sessions of the conference, tried to maintain its pressure on a series of countries, particularly in Europe, to stay outside the overall settlement of the issue. France, in response to a special envoy sent by President Reagan to urge that it postpone its signature, maintained its commitment to be a party to the treaty. This decision was very well received by most of the Third World countries, to the extent that it constituted the first breach in the almost automatic solidarity displayed by the "rich" countries concerning the great questions of world interest: strategy, trade, transfer of technology, food resources, etc.

Raw Materials Battle

The draft convention contains 300 articles which define the new sea frontiers and in particular the status of an "economically exclusive zone of 200 nautical miles," to which the countries of the Third World are very much attached. The draft resolves a series of specific problems (straits, enclosed seas, land-locked countries, archipelago states, petroleum-bearing continental shelves, pollution, piracy, etc) and provides for the modalities for future exploitation of nodules containing various metals on the ocean floor.

For the most part the draft approves the appropriation by the Third World countries located on ice-free seas of the most immediately exploitable parts of the sea area adjoining the coast. The principal resources in terms of fish and petroleum are located within the "economic zones" or at least on the continental shelves (up to 360 nautical miles from the coast). However, the draft convention safeguards freedom of navigation, both commercial and military, a principal to which the great maritime countries are very much attached.

France, by "voting with the Third World" on 30 April 1982, seemed to wish to make a specific gesture. France also emphasized the "inadequacies" of the draft convention and at the same time passed domestic legislation concerning the exploitation of metal-bearing nodules. In addition, France also entered into an interim agreement with the United States, Great Britain, and the Federal Republic of Germany to resolve their differences regarding access to areas for the exploration and exploitation of nodules. Some of the more advanced countries in this technology have therefore moved forward in what has been described as a new raw materials battle.

The United States had already made known on several occasions, in statements by President Reagan, that it would never sign this treaty. In effect the American administration considers that its strategic and economic interests have not been taken into account by a draft convention which does not meet any of the six conditions raised by Washington at the beginning of 1982. In particular the United States does not accept the limitations imposed on access by its mining consortiums to the deposits of nodules on the high seas.

In the future the United States will support a policy of "separate arrangements," such as the one recently concluded with three European countries.

Therefore, the United States prefers to act as if the treaty on the Law of the Sea should not exist at all.

This attitude is sharply opposed by the Third World countries, who have been joined in this connection by the Soviet Union. For them, the idea of a "common patrimony of humanity," as applied to deep sea mining resources, has the objective of preventing uncontrolled pillage of the ocean floor, where the only law would be that of the strongest. They therefore seek to prevent the great industrialized countries from "recapturing" from the Third World, through anarchic exploitation of sea nodules, the relative position of strength which they were able to retain for themselves in the land-based mining sector (for example, copper, of which Peru, Zambia, and Zaire are among the principal producers in the world).

The non-participation of the United States and of some of its principal Western allies in the convention is a disturbing development. These countries provide most of the financial support for international institutions. They were to be urged to participate in this connection in the establishment of a high authority for the deep seas and for "enterprise," which, if it is ever created, will be the first industrial production agency of the United Nations.

At the United Nations secretariat officials remain confident. France, the Soviet Union, and the Scandinavian countries, in particular, supported by some of the "petroleum countries," will be able to guarantee the preliminary investments necessary to undertake the exploitation of the ocean floor. A more delicate matter is the question of the transfer of technology. The predominantly American private mining consortiums do not wish to provide "gifts" to an international "mechanism" which allegedly does not "deserve" them. There is also the problem of the division of areas of exploration and exploitation, which could result in diplomatic and eventually even military conflicts.

However, the treaty contains a set of rules on the Law of the Sea, of which only a portion deals with the exploitation of the ocean floor--which is still a matter for the distant future. This convention is a first attempt to bring up to date the old Law of the Sea, which did not take into account a basic phenomenon: the discovery by the younger nations of their coastal regions and the growing awareness in these countries of the advantages which these new resources could bring them.

5170

CSO: 5200/13

GROUPS FORMED TO MANAGE SEA ACTIVITIES

Paris LES ECHOS in French 10 Nov 82 p 10

[Article: "Maritime Engineering: Formation of the Group GICAMER"]

[Text] The adoption of a 200-mile economic zone means that the states involved will have new responsibilities. France, with its overseas territories and departments, is responsible for a sea area of 11 million square kilometers (the third largest area in the world). France was one of the first countries to express its willingness to assume its maritime responsibilities and to acquire the structures and means to fulfill them, witness the formation in France of the inter-ministerial mission on the sea followed by the creation of a ministry of the Sea,

But it has gradually become apparent that a general sea policy at the national and international levels involves economic and social development and employment. That implies new chances for cooperation among the countries concerned and "requires" closely concerted action between government authorities and the private sector" according to the founders of GICAMER (Intersectorial Group for Coordination of Sea Activities). This group was created yesterday; its purpose is to bring into production and use maritime engineering that is standardized in terms of conception and production and capable of carrying out construction and equipment programs in the economic zones of interested countries.

GICAMER includes a certain number of companies and organizations with complementary maritime activities; it is an economic interest group and has a permanent staff responsible for coordinating its members and for prospecting and promoting maritime activities in conjunction with government authorities in both France and the countries concerned.

When a prospecting project, especially one based on a GICAMER master plan, goes into an operational phase, the partners involved set up the structure that is appropriate for making proposals, carrying out negotiations and executing orders.

GICAMER's basic objective is to propose to maritime countries master plans for construction and equipment in their "200-nautical mile economic zones," i.e. their maritime zones, and then to organize with these countries the cooperation necessary to supply the corresponding labor, goods and services.

GICAMER's mission as a "bringer together" of companies is to assign to its members the task of implementing the elements of its master plans.

The quality of GICAMER's members will "enable the organization to meet all the needs involved in the new responsibility of the countries concerned."

Among the State companies that have indicated an interest in GICAMER are businesses like the BCEOM (Central Study Office for Overseas Equipment), the CNEXO (National Center for Exploitation of the Oceans), the SNPE-Euroshore (National Powder and Explosives Company), NAVFCO (French Naval Training and Consultation Company), and the ISIS-IFP group (French Petroleum Institute). The charter members of GICAMER are SODETEG, Inc. (Technical Studies and General Enterprises Company), Matra, Inc., Bouygues, Inc., Comex, Inc.--a maritime appraisal company, Progemar--Bees International, Thomson-CSF, EPT (the Achille Fould group)--International Exploitation and Loans, and the BRGM (Bureau of Geologic and Mining Exploration).

8782

CSO: 5200/2506

GREECE

ADVANTAGES SEEN OUTWEIGHING PROBLEMS IN LOS CONVENTION SIGNING

Athens TO VIMA TIS KYRIAKIS in Greek 12 Dec 82 p 7

/Article by St. Evstathiadis: "Greek Positions that Were Accepted in Jamaica"/

/Excerpts/ Montego Bay, Jamaica, 11 December--A new status on seas will legally take effect after a certain period of time, with Greece being generally satisfied with it. Last Friday, representatives from 119 UN member nations signed the treaty in Montego Bay, while 150 signed the final act of the Law of the Sea despite the objections and intimidations by certain western industrialized countries, primarily the United States.

These are two texts of real historic importance; for the first time in history it is being recognized and established that the earth's resources are not the property of certain countries but belong to all the world, to all mankind. From a more general standpoint and in the tug-of-war of the balance of power and of alliances in the world, the signing of the convention constitutes an imposing success of the non-aligned and underdeveloped nations which, from a long-term standpoint, stand to financially benefit from the new status on seas that is being established.

Besides, this is the one and only reason why the Reagan government opposed and finally refused to sign the treaty, while --as its spokesman in Montego Bay stated and, indeed, emphatically so-- it agrees fully with the provisions that relate to military and political issues.

Greece --and this must be recorded on the plus side of all governments that came to power since 1974-- took an active role and supported both the need for setting up a new set of rules of the sea and most of the provisions adopted by the conference. Certainly neither were all of Greece's proposals and opinions accepted nor was Greece always successful in preventing the adoption of views and rules that, at least, would not have been somewhat grievous. However, at a conference in which 160 nations, with more or less diametrically opposed political philosophies and divided into strongly antagonistic alliances, took part it is impossible not to have mutual capitulations and compromises so as to achieve something that would be acceptable to all.

A result of such compromises and mutual retreats is the text of the treaty that was signed on Friday by Deputy Minister of Foreign Affairs Karolos Papoulias on behalf of Greece. All countries gave something more or less so that the common denominator could be found that would satisfy as many as possible.

Greece was obliged to "give" --of course, so as to "get" something in return. The question was if what she was "giving" was more or less equal in value to what she was "getting."

Since the final judgement would have primarily weighed heavily on her national interests and those interests that are linked to the security of the country and to peace in her region, more specifically to what extent any given provision would benefit her or would harm her vis-a-vis Turkey, the concern of the Greek delegation over the 9 or more years that the conference of the sea lasted was limited mainly to the securing of Greek interests in such a way that Turkey would not be strengthened. With this criterion in mind, the treaty signed Friday, although not fully satisfactory to Greece, is such that it contains provisions that, at any rate, do not satisfy Turkey. For that reason Greece signed the treaty. And for that reason too Turkey did not sign.

There are two substantive elements that the treaty incorporates and that unquestionably favor Greek national interests; one that establishes the right of extending territorial waters to 12 miles and the other that the treaty constitutes a set of rules which are in effect as a whole and not selectively according to the interests and desires of interested parties. The only point that does not satisfy Greek interests is that which permits passage of warships through international navigation straits, as well as overflights of military aircraft over these straits. At the time of the signing of the two texts, the Greek Government submitted a special explanatory statement on exactly this provision (since the treaty prohibits the formulation of reservations).

More generally speaking, the treaty, which consists of 320 articles, nine annexes and four resolutions, adopts rules and regulations that favor Greek positions, especially in matters dealing with the status of islands, choked or semi-choked seas, with the procedures for raising archaeological treasures and objects of historical value from the seas, the limits of territorial waters, etc. Also satisfactory for Greek interests are most of the provisions dealing with the merchant marine, pollution of the sea environment, scientific research on the seas, and, of course, those provisions that relate to seabed mining although that problem is still a far-off one.

Not fully satisfactory for Greece, besides the straits issue, are those provisions that relate to settlement of disputes, and, as far as the setting of limits on the continental shelf and the exclusive economic zone are concerned, Greece has supported the principle of the so-called "equal distance" and generally the implementation of international law.

Greece also had partial success on the issue of the archipelagic status although the final provision that was adopted recognizes this status only for purely archipelagic states and not for those of mixed nature, such as Greece.

Of course, the straits issue is of special importance for Greece and, objectively speaking, the treaty does not fully conform to Greek interests. It would, however, be a mistake to recognize the formulation of the relevant point of the treaty as a Turkish success. Both big powers, as well as all the traditional sea powers, lined up from the very outset and perseveringly supported positions in favor of the so-called "free passage" and, consequently, "free overflights" through and over international navigation straits which happen to favor Turkey as they do not favor Greece.

Greece supports the maintenance of the existing status of the so-called "inoffensive passage," i.e. passage of warships through straits without harming the interests of the coastal countries and with conformity with national regulations as to how this status is to be exercised. Greece has already officially submitted a special explanatory statement which in some way moderates possible unfavorable repercussions stemming from the implementation of the "free passage" of vessels and "free overflights" of military aircraft in international navigation straits of Greek seas, as, for example, Kavø Doro.

The refusal by the United States to sign is rather strange and, in any case, is the result of the political-economic philosophy of the Reagan administration. All the sections of the convention that concern military issues cover the so-called security interests of the United States, and Washington's sole refusal is limited to the economic mining regulations which certainly are in the interests of the Third World. The Reagan administration has the delusion that it can exploit the seabed resources without paying the "price" to the countries of the Third World to whom the resources of their sea extensions "belong."

The following were members of the Greek delegation at the final session of the Law of the Sea Conference in Montego Bay: Stavropoulos and Touloupas, ambassadors; Gounaris and Zografos, advisers; V. Papaioannou, secretary of the Ministry of Foreign Affairs; and Deputy Minister of Foreign Affairs Karolos Papoulias, head of the delegation. Signing the treaty on behalf of Greece on 10 December were Deputy Minister Papoulias and Ambassadors Stavropoulos and Zografos.

5671

CSO: 5200/4703

ICELAND

ANDERSEN GIVES VIEWS ON LOS TREATY, JAMAICA SIGNING

Reykjavik MORGUNBLADID in Icelandic 11 Dec 82 p 2

[Text] "The signing of the Law of the Sea Treaty was a great and long-yearned-for moment of happiness," said Ambassador Hans G. Andersen who signed the treaty as head of the Icelandic delegation: "All the 120 national delegates who signed were extremely pleased." Subsequently, Steingrímur Hermannsson, minister of fisheries, signed the treaty at the final meeting of the third United Nations' Conference on the Law of the Sea in Jamaica.

Ambassador Hans G. Andersen addressed the general assembly of the Conference on the Law of the Sea in Jamaica. Excerpts from his speech follow: "We are witnessing an historical event as we gather here in Jamaica in order to sign the final agreement of the Conference on the Law of the Sea and the long-yearned-for Treaty of the Law of the Sea. This is the apex of a development initiated almost 35 years ago. The beginnings of this development originated at a general assembly of the United Nations in the year 1949. The Committee on International Law was then in its infancy, and had submitted a list of three priority tasks: an international treaty, arbitration, and judicial rule on the open sea.

"At that time I was the Icelandic delegate to the sixth committee of the General Assembly which dealt with legal points, and I then sponsored a proposal to the effect that Law of the Sea matters in general should be made a priority--not only rules of the open sea, the rationale being that it is impossible to determine where the open sea begins without knowing the exact legal limits of the coastal nation in question. This proposal was protested by those who maintained that territorial waters traditionally were reckoned as three miles, and that a coastal nation had no legal rights to oceanic treasures beyond that limit.

The Icelandic proposal was passed and in subsequent years Iceland tirelessly championed the cause of sharp distinction between territorial waters and fishing limits, at the same time insisting that the various Law of the Sea

details were so intimately related that all of them needed to be treated as a whole. As we know the Committee was never able to agree on a treaty on the limits of territorial waters or fishing rights and consequently proposed the creation of an international conference, resulting in the three Law of the Sea Conferences which met in 1958, 1960, and finally in 1973, creating a virtually ceaseless development for 35 years. The results are finally in our hands--represented by this Treaty.

"For a nation like Iceland, totally dependent for its existence on the treasures of the sea, this treaty is a magnificent achievement as it affirms the coastal nation's economic rights to oceanic treasures within 200 nautical miles from its coasts and, in case of territorial waters, even beyond that limit. Within legal economic limits the coastal nation is empowered to make all decisions concerning top legal catches and profitable use thereof, besides disposal to be made of overcatch. No higher authority is empowered to dispute the coastal nation's decision."

400

CSO: 5200/2510

COMMENTATOR RECOMMENDS DUTCH SIGN LOS TREATY

Rotterdam NRC HANDELSBLAD in Dutch 16 Nov 82 p 7

[Article by N. J. Schrijver: "Law of the Sea [LOS] Threatened"]

[Text] The closing meeting of the UN-Law of the Sea conference will take place in Jamaica early December. This meeting closes a 9-year period of negotiations covering almost all aspects of sea and ocean use. The possibility exists that this biggest legislative operation in the world history will fail through the opposition of the U.S., and possibly other industrial countries will follow suit.

The principle of freedom of the seas has always been extremely important throughout the centuries. Especially after 1945, the national greed for sea territory arose to bring neighboring sea territories under their jurisdiction. The 1958 Law of the Sea treaty was not able to call a halt to that. Besides, pollution, fishing proliferation and the discovery of raw materials demanded new rules. Freedom would lead to exclusive exploitation by highly developed countries, while the newer countries would be fishing behind the net, as it is in many respects under the existing Law of the Sea. The UN designated the international ocean bed as "Mankind's joint inheritance" ending the "first come, first served" system. The entire Law of the Sea came up for revision. In spite of the many interests and contradictions the UN Law of the Sea conference was able to draft a comprehensive treaty.

The new American Reagan administration reversed its policy in 1981 which endangered the LOS conference. The American objections are particularly concerned with the new rule for deep sea mining which they view as too controlling and too restrictive of free enterprise. The treaty, contrary to original intentions, was adopted on 30 April not by consensus but with 130 votes pro, 4 against and 17 abstentions. The fate of the LOS treaty is uncertain because of this.

Pro and Cons

The treaty certainly is not a model of clear and concise wording. The political negotiations and the, perforce compromising character have left

their mark. It is regrettable that the new sea and ocean regulations, once labeled as a "testing ground for a new International Economic Order," apportioned so much to coastal states (12 miles of sea territory, 200 miles wide Exclusive Economic Zone continental shelf) and so little to the international community and the geographically prejudiced states (e.g., without a seacoast). Yet another examples of how these usually "less developed countries" fall between the cracks.

The right to fish (only in case of a surplus) in neighboring economic zones and the promotion of their participation in deep sea mining are only meager consolations. The extent and the economic significance of the international territory have also been drastically reduced in the meantime. By the recognition of the Exclusive Economic Zone [EEZ], 95 percent of all exploitable gas and oil fields and 90 percent of the most important fishing territories have disappeared from mankind's inheritance. Only manganese nodes really remain as economically recoverable minerals.

Still, the treaty contains so many positive aspects that it is better than no treaty at all.

Undoubtedly the coastal states will continue their one-sided jurisdictional expansion over neighboring sea territories. At present some 80 coastal states have established their territorial seas as 12 miles and in 1980, almost 50 states have enacted laws concerning an EEZ of 200 miles. This tide can no longer be stemmed. There is, however, a real possibility that without a treaty claims will escalate: sea territory of 200 miles in lieu of an EEZ, as some Latin American countries already claim, and also exclusive jurisdiction in archipelagos (Philippines and Indonesia) and in sea straits.

The military mobility of the West (and the Eastern bloc) and the supply routes of vital minerals can become seriously endangered by the restrictions to free passage of merchant- and warships through the 116 sea straits (e.g., Gibraltar, Hormuz, Malacca) which fall under the 12-mile rule. The legitimacy of free air space could also come under discussion. The difficult negotiation with Indonesia about the KLM flight routes to Australia are the writing on the wall. The developing countries rightfully view the treaty as a complete package. If you disturb one piece, the whole breaks down.

Mini-Treaty

Over the past few years a number of industrial countries have enacted interim national legislation concerning deep sea mining: e.g., France, West Germany and--to the surprise of many--also the Soviet Union. Additionally, the U.S. has proposed a "mini-treaty" to be concluded with other industrial countries, possibly including the Soviet Union, concerning the exploitation of the ocean-bed. In the meantime many industries wonder if such regulations can provide an adequate legal basis for the investment of billions into deep sea exploration. Not all countries will be ready and able, as is the USA, to protect, if necessary by military means, their

activities and installations on the high seas. Shell and Biliton, who both are going into deep sea mining, are supporters of signing by the Netherlands.

Moreover, in this case the American consortium in which Biliton participates could be for that matter, in this case be rapidly registered at the UN as a "pioneer-investor" via the Netherlands. Only on the basis of this status can an industry get a temporary legal license to explore part of the deep sea bed. In the meantime, the Americans have had trouble with their proposal for a mini-treaty. They have drawn a blank with the Soviet Union, and Western Europeans are hesitant about this controversial idea. Rightfully so, because after nearly 9 years of negotiations, a more abrupt put-off of the developing countries and the UN is hardly possible.

Polemics

Many conflicts are to be expected concerning the Law of the Sea questions. The sovereignty over a number of islands and rocks is disputed: ownership brings with it control in affairs concerning large sea areas and its existing natural resources. A number of conflicts will arise over the demarcation of sea territories, EEZ's and continental shelves of two or more neighboring coastal countries, as well as with the treaty since the agreed upon demarcation rules are insufficient. It is easy to picture conflicts concerning fishing, boundary crossing gas and oil fields, environmental pollution, and free passage and air space.

The treaty provides a number of mandatory settlement procedures: conciliation, a Law of the Sea tribunal and arbitration procedures. A course of procedures at the International Court of Justice in The Hague also remains possible for the countries. These dispute settlement procedures will be highly necessary. The possibility of political conflicts, possible with military confrontation will be greater without a treaty.

Broader Context

One should thoroughly comprehend the consequences of non-signing. The North-South dialogue is deadlocked. Recent attempts to reopen these via a new round of worldwide negotiations have so far met with no success. The developing countries set much store by the Law of the Sea treaty and consider the participation or otherwise as a test case for the rich countries' willingness to contribute to the realization of a more just international order. If international cooperation fails even in this relatively virgin field, many developing countries will definitely lose faith in getting results via collective negotiations. The North-South dialogue is then finished.

The U.S. has began lobbying against the treaty. Donald Rumsfeld, a special representative of President Reagan, will also visit The Hague in mid-November. However, a number of industrial countries (France, the Scandinavian countries and the Soviet Union) have already announced they will sign the treaty in December. For that reason, the other European

Community countries play a key role in the treaty's chance of survival. A speedy decision to sign by the Netherlands, will possibly make the Germans and the Italians, and as a result perhaps the British come about. In view of the danger of no treaty at all, and in view of the very active role of the Netherlands in its success it would be consistent foreign policy. For this reason it is to be hoped that the Netherlands will come out of the fog in which it has been for months.

9277

CSO: 5200/2507

SPOKESMAN ON GREEK APPLICATION OF LOS ON AEGEAN

NC040934 Istanbul HURRIYET in Turkish 29 Dec 82 p 3

[Report by Ali Utku]

[Text] Ankara, (HURRIYET) -- Greece, which canceled the dialogue due to begin between the foreign ministers of the two countries on the eve of the NATO foreign ministers' conference, continues to pull trick after trick. This time it is trying to turn the entire Aegean into a "Greek lake" by placing the waterways between 2800 Aegean islands and the airspace over these waterways under its control. But Turkey once again communicated to Greece last week that it is resolutely determined to sail its ships through the international waters between the Aegean islands and to fly its jets in the airspace over the international waters.

Our government, which is closely watching Greece's attitude, informed the Greek Foreign Ministry through our ambassador, Fahir Alacam, in Athens last week that it also opposes this latest Greek attempt, that Turkish ships will continue to sail the international waters between the Aegean islands and that Turkish planes will continue to fly the airspace over those international waters. Turkey did this in a delicate manner.

Commenting on this situation, Foreign Ministry spokesman Ambassador Nazmi Akiman had this to say: "As soon as the law of the sea conference was over, the Greeks made it known that the islands in the Aegean formed passages and straits and that as a coastal state they would regulate these waterways and the airspace over them to offer safe passage. They repeated this as they were signing the Law of the Sea Convention document.

"The regime of the straits is regulated through conferences and agreements. The inter-island waterways referred to by Greece are not affected by this.

"In this way, efforts are being made to exclude part of the waterways linking the Aegean with the Mediterranean from the transit regime. This is an arbitrary act. It is not valid from the Law of the Sea Convention point of view. In fact, it was rejected at the conference as well. Greece, which made concerted but unsuccessful efforts to have the regime implemented for archipelagic states as implemented for continental states, is now trying to achieve its objective in this way. We produced documents at the conference supporting our rejection of such a proposal from Greece. The documents in question have entered the dossiers of all nations. We have not signed this convention. It is not binding on us."

When spokesman Akiman was asked: "What happens if Greece resorts to such action?" he said: "If it does, then you will see what will happen. We do not recognize this convention. It applies only to those who have signed it."

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END